

REMARKS/ARGUMENTS

Reconsideration is requested. Claims 1-32 are currently pending. Responsive to the Office Action of March 10, 2009, the Examiner's comments and the cited art have been noted and studied. For reasons to be set forth in detail below, it is respectfully submitted that the present application is in condition for allowance, and such action is requested.

The drawing figures are objected to. Corrected drawing figures are submitted herewith, addressing each of the issues raised by the Examiner in the Office action. Applicants believe that the corrected sheets obviate the outstanding rejection.

Claims 5 and 32 are objected to for informalities in the language or for reasons of proper antecedent basis. Applicants have adopted the Examiner's suggestions and amended the claims in accordance therewith. The objections should, therefore, be overcome by this amendment.

Claims 1-8 and 12-17 are rejected under 35 USC 102(e) over Blomquist. The Examiner suggests that each element and limitation of the subject matter of independent claim 1 is described by Blomquist. Applicants respectfully disagree, since the device described by Blomquist does not vent the medical device housing to atmosphere using the structure described in claim 1.

Blomquist teaches a housing for a medical device that provides for multiple vents. Blomquist teaches the use of a primary vent in a chamber of the medical device that vents gas from the interior of the device to the atmosphere. Blomquist further teaches the use of an additional vent that allows gas from other chambers of the medical device to be transferred to the chamber that includes the primary vent. The gas may, thereafter, be vented to atmosphere via the primary vent.

At least one drawback of the system described by Blomquist is that if the internal vent becomes clogged, the secondary chambers of the medical device cannot be vented. Of even greater concern is if Blomquist's primary vent becomes clogged, the entire medical device housing is unable to vent gas to atmosphere. Under such circumstances, the medical device may be damaged or fail due to the trapped gas.

The novel housing for a medical device illustratively recited by Applicants in Claim 1 describes structure for a medical device housing that provides multiple, independent pathways for venting gas from chambers of the medical device to atmosphere. Claims 1 and

32 are amended to more clearly recite that each vent in the device of claims 1 and 32 are capable of transferring gas from the interior of the device directly to atmosphere, rather than via intermediate, internal vents as is the case with Blomquist. By doing so, in the event that either the primary or at least one secondary vent becomes clogged, the present invention allows gasses within the housing to vent to atmosphere via another chamber, thus protecting the integrity of the device and avoiding damage or possible failure. To further increase the reliability of the medical device housing, Applicants teach a system where multiple independent pathways for venting gas to atmosphere from the various internal chambers of the medical device while retaining the ability to inhibit the incursion of water into the device (via the hydrophobic barriers), thus giving the medical device housing the property of being “waterproof”.

For at least this reason, Blomquist does not teach, describe, or suggest each element and limitation of claim 1 or claims depending therefrom. Therefore, the rejection of claims 1-8 and 12-17 under 35 USC 102(e) should be withdrawn.

The rejection of claims 9-11 is obviated in view of the primary reference failing to show each element and limitation of claim 1, for the reasons previously set forth herein. The rejection of claims 9-11 under 35 USC 103(a) over Blomquist in view of Toner should, therefore, be withdrawn.

The rejection of claims 18 obviated in view of the primary reference failing to show each element and limitation of claim 1, for the reasons previously set forth herein. The rejection of claim 18 under 35 USC 103(a) over Blomquist in view of Lorenzen should, therefore, be withdrawn.

The rejection of claims 19-26, 30 and 31 is obviated in view of the primary reference failing to show each element and limitation of claim 1, for the reasons previously set forth herein. The rejection of claims 19-26, 30 and 31 under 35 USC 103(a) over Blomquist in view of Moberg should, therefore, be withdrawn.

The rejection of claims 27-29 is obviated in view of the primary reference failing to show each element and limitation of claim 1, for the reasons previously set forth herein. The rejection of claims 27-29 under 35 USC 103(a) over Blomquist in view of Toner should, therefore, be withdrawn.

The rejection of claim 32 under 35 USC 103(a) over Blomquist in view of Toner and Lorenzen should be withdrawn for the reasons set forth above with regard to claim 1 and the amendment of claim 32 that more clearly recites that each of the primary and secondary vents of the presently claimed medical device housing are capable of venting gasses within the medical device to atmosphere. The Combination of references fails to teach, disclose, or suggest a waterproof medical device housing with multiple, independent pathways for venting gas from internal chambers of the device to atmosphere. Further, the primary reference lacks description of certain elements as previously remarked herein, thus obviating the combination of references. The rejection should, therefore, be withdrawn.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance and applicants earnestly solicit early examination on the merits and issuance of a Notice of Allowance. Should the Examiner believe that any additional information or amendment is necessary to place the application in condition for allowance, he is urged to contact the undersigned Attorney via telephone at 484-356-1794 or facsimile number 610-644-8717.

The Commissioner is hereby authorized to charge any required fees due in connection with this submission, including petition and extension of time fees, and to credit any overpayment to Deposit Account No. 10-0750 (Docket No. ANM5177USNP/WJ) (Johnson & Johnson).

Respectfully submitted,

/Wayne Jaeschke, Jr./

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